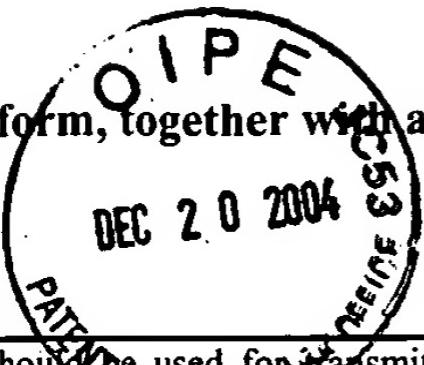


PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or Fax (703) 746-4000



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence regarding the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

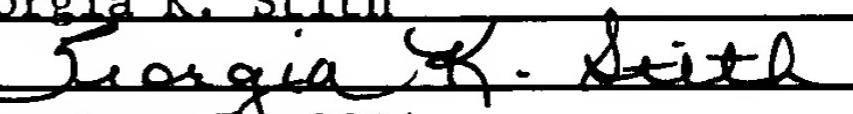
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

28584 7590 09/30/2004

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Georgia K. Stith (Depositor's name)

 (Signature)

December 17, 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,415	08/23/2001	Kenneth C. Johnson	SEN-012	9943

TITLE OF INVENTION: OPTIMIZED APERTURE SHAPE FOR OPTICAL CD/PROFILE METROLOGY		12/21/2004 NROCHA2 00000035 09938415			
APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	X \$665K \$700	\$0	\$665K \$1,000	12/30/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
SEVER, ANDREW T	2851	356-625000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.	1 <u>Stallman & Pollock LLP</u> 2 _____ 3 _____
3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)		

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

THERMA-WAVE, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

1250 Reliance Way, Fremont, CA 94539

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies 5

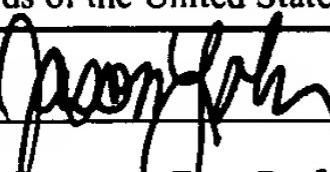
4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-1703 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature 

Date December 16, 2004

Typed or printed name Jason D. Lohr

Registration No. 48,163

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATENT

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kenneth C. Johnson et al.

Application No.: 09/938,415

Filed: August 23, 2001

For: OPTIMIZED APERTURE SHAPE FOR
OPTICAL CD/PROFILE METROLOGY

Confirmation No.: 9943

Group Art Unit: 2851

Examiner: Andrew T. Sever

SUBMISSION OF ISSUE FEE

353 Sacramento Street, Suite 2200
San Francisco, CA 94111
(415) 772-4900

M/S ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Dec. 17, 2004.
STALLMAN & POLLOCK LLP

Dated: 12/17/2004 By: Georgia K. Stith

Georgia K. Stith

Sir:

Per the Notice of Allowance and Issue Fee Due which was mailed September 30, 2004, enclosed for filing in the above-captioned case are form PTOL-85b and a check for \$1,015.00 to cover the issue fee of \$700.00, the publication fee of \$300.00 and the payment of \$15.00 for ordering five (5) advanced copies of the patent upon issuance.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. TWI-31500.

A duplicate copy of this sheet is enclosed.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: December 16, 2004

By: Jason D. Lohr

Jason D. Lohr
Reg. No. 48,163

Attorneys for Applicant(s)

Atty Docket No.: TWI-31500